

# AGENDA



## BERKELEY CITY COUNCIL MEETING

TUESDAY, JUNE 12, 2012

7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – DARRYL MOORE  
DISTRICT 3 – MAX ANDERSON  
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – GORDON WOZNAK

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, Acting City Clerk, 981-6900.*

*The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

*In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## **Consent Calendar**

*The Council will first determine whether to move items on the agenda for action or "Information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.*

### **1. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of May 1, 2012 (special and regular), May 8, 2012 (special closed and special), May 15, 2012 (special and regular), and May 22, 2012 (special).

**Financial Implications:** None

Contact: Mark Numainville, Acting City Clerk, 981-6900

### **2. FY 2013 Tax Rate: Business License Tax on Large Non-Profits**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance setting the FY 2013 tax rate for Business License Tax on large non-profits at \$0.52.4 (52.4 cents) per square foot of improvements over 120,000.

**Financial Implications:** See report

Contact: Robert Hicks, Finance, 981-7300

### **3. FY 2013 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance setting the FY 2013 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.12015 (12.015 cents) per square foot of taxable improvements.

**Financial Implications:** See report

Contact: Robert Hicks, Finance, 981-7300

## Consent Calendar

- 4. FY 2013 Tax Rate: Emergency Services for the Severely Disabled**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2013 tax rate for the provision of emergency services for the disabled at \$0.01240 (1.240 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300
- 5. FY 2013 Tax Rate: Neighborhood Branch Library Improvements Project General Obligation Bonds - Election of November 2008**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2013 tax rate for the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008) at 0.012%.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300
- 6. FY 2013 Tax Rate: Fund the Provision of Emergency Medical Services**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting a special tax rate of \$0.0321 per square foot of improvements to fund the provision of emergency medical services to Berkeley residents.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300
- 7. FY 2013 Tax Rate: Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2013 tax rate for Fire protection and Emergency Response and Preparedness at an annual rate of \$0.04432 (4.432 cents) per square foot of improvements for dwelling units and setting the rate for all other property at an annual rate of \$0.06708 (6.708 cents).  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300
- 8. FY 2013 Tax Rate: Disaster Fire Protection (Measure Q)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2013 tax rate for the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300

## Consent Calendar

9. **FY 2013 Tax Rate: Fire Seismic General Obligation Bonds-Election of 1992 (Measure G, 2002 and 2007 General Obligation Refunding Bonds)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2013 tax rate for Fire Seismic General Obligation Bonds (Measure G, 2002 and 2007 General Obligation Refunding Bonds at 0.0130%).  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300
10. **FY 2013 Tax Rate: Animal Shelter General Obligation Bonds-Election of November 2002**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2013 tax rate for the Animal Shelter General Obligation Bonds (Measure I, November 2002) at 0.002%.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300
11. **FY 2013 Tax Rate: Measure S General Obligation Bonds-Election of 1996 (2007 Refunding Bonds)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2013 tax rate for the Measure S General Obligation Bonds (Election of 1996, 2007 Refunding Bonds) at 0.020%.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300
12. **Levying a Special Tax for FY 2013 to Fund the Provision of Library Services**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2013 tax rate for the Library Services Tax at \$0.1718 (17.18 cents) per square foot for dwelling units and \$0.2597 (25.97 cents) per square foot for industrial, commercial, and institutional buildings.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300
13. **Notice of Appropriations Limit for FY 2013**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution providing notice that:  
1. Council will adopt an appropriations limit for Fiscal Year 2013 at its meeting of June 26, 2012; and  
2. The amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 11, 2012.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300

## Consent Calendar

### 14. Temporary Appropriations FY 2013

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2012, until the effective date of the FY 2013 Annual Appropriations Ordinance.

**Financial Implications:** See report

Contact: Robert Hicks, Finance, 981-7300

### 15. Contract No. 7381E Amendment: Corporate Care, LLC for the provision of Carpet Cleaning and Carpet Maintenance Services

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7381E with Corporate Care, LLC for the provision of carpet cleaning and carpet maintenance services at the Mental Health clinic sites to increase the amount by \$13,000 for a total contract amount not to exceed \$69,300 and extending the term through June 30, 2013.

**Financial Implications:** Various Funds - \$13,000

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

### 16. Grant: California Childhood Lead Poisoning Prevention Branch for the Childhood Lead Poisoning Prevention Program

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to accept grant funds from the California Childhood Lead Poisoning Prevention Branch (CLPPB) for the Childhood Lead Poisoning Prevention Program (CLPPP) in the amount of \$234,774 to implement the "Childhood Lead Poisoning Prevention Program" for the period July 1, 2011 to June 30, 2014; and to execute the resultant revenue agreements, contracts and any amendments and extensions.

**Financial Implications:** Health Fund - \$234,774 (revenue)

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

### 17. Grants: Tuberculosis Local Assistance Subvention from California Department of Public Health

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to the California Department of Public Health (CDPH) for funds in the amount of \$30,806 (Local Assistance and Subvention) in Fiscal Year 2013 for conducting public health tuberculosis surveillance, control, and prevention services; accept the grant; execute any resultant revenue agreements and amendments; and implement the projects and appropriation of funding for related expenses, subject to securing the grant.

**Financial Implications:** Health Fund - \$30,806 (revenue)

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

## Consent Calendar

18. **Contract No. 7050D Amendment: Berkeley Food & Housing Project for Operating Costs for the Russell Street Residence and Third Party Administration of Mental Health Client Funding Supports and Assistance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7050D with the Berkeley Food & Housing Project to increase the amount by \$100,000 for a total contract amount not to exceed \$487,500 and to extend the contract through June 30, 2013 for operating costs for the Russell Street Residence supportive housing facility and to provide third party administration of Mental Health client funding supports and assistance.  
**Financial Implications:** Various Funds - \$100,000  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
19. **Contract No. 7207A Amendment: Lakehurst Hall, Inc. for Temporary Housing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7207A with Lakehurst Hall for the provision of temporary housing to Mental Health clients increasing the contract amount by \$10,000 for a total contract amount not to exceed \$91,500, and extending the term through June 30, 2013.  
**Financial Implications:** Various Funds - \$10,000  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
20. **Contract No. 7852 Amendment: Lan Do Associates, LLC for the Provision of Translation and Interpretation Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7852 with Lan Do Associates, LLC in the amount \$20,100, increasing the total contract amount to \$90,100 for the provision of translation and interpretation services for mental health programs and to extend the expiration date to June 30, 2013.  
**Financial Implications:** Mental Health Services Act Fund - \$20,100  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
21. **Contract Amendments: Mental Health Services Act Prevention and Early Intervention and Community Services and Support**  
**From: City Manager**  
**Recommendation:** Adopt 7 Resolutions authorizing the City Manager to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) or Community Services and Supports (CSS) monies increasing the contract amount and extending the contracts through June 30, 2013:
1. Increasing Contract No. 8801 with Center for Independent Living (CIL) in the amount of \$26,520 for a total contract amount not to exceed \$53,040 for supports for seniors;
  2. Increasing Contract No. 8560 with G.O.A.L.S. For Women, Inc. in the amount of \$26,520 for a total contract amount not to exceed \$79,560 to serve African American women and their families;

## Consent Calendar

3. Increasing Contract No. 8516 with Pacific Center for Human Growth in the amount of \$26,520 for a total contract amount not to exceed \$79,560 to serve low income Lesbian, Gay, Bi-sexual, Transgender, Queer, Questioning and Intersex (LGBTQQI) individuals;
4. Increasing Contract No. 8573 with Albany Unified School District (Albany USD) by \$53,040 for a total contract amount not to exceed \$159,120 for services to Asian Pacific Islander, Latino, and African American youth;
5. Increasing Contract No. 8606 with Youth Engagement Advocacy Housing (YEAH), in the amount of \$26,520 for a total contract amount not to exceed \$79,560 for support groups for transition age youth (TAY);
6. Increasing Contract No. 8439 with Youth Engagement Advocacy Housing (YEAH), in the amount of \$101,768 for a total contract amount not to exceed \$305,304 for services to Asian and Latino transition age youth;
7. Increasing contract No. 8975 (CMS No. AC8CT) with Berkeley Unified School District (BUSD) in the amount of \$35,000 for a total contract amount not to exceed \$90,000 for elementary school aged youth.

**Financial Implications:** Mental Health Services Act Fund - \$295,888

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

**22. Contract No. 8287 Amendment: Claremont Behavioral Services for Employee Assistance Program Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 8287 with Claremont Behavioral Services (Claremont) in order to provide continued services for the Employee Assistance Program (EAP) by increasing expenditure authority in an amount not to exceed \$315,000, for a total contract amount of \$635,000, through June 30, 2015.

**Financial Implications:** Payroll Deduction Trust Fund - \$315,000

Contact: David Hodgkins, Human Resources, 981-6800

**23. Contract No. 7258B Amendment: KANA Community Relationship Management (CRM) Software Maintenance**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7258B with KANA Software (formerly Lagan Technologies, Inc.) for software maintenance, increasing the amount by \$27,773 for a total not to exceed \$593,273 from March 23, 2007 through June 30, 2013.

**Financial Implications:** General Fund - \$27,773

Contact: Donna LaSala, Information Technology, 981-6500

**24. Contract No. 6893E Amendment: Nexus IS for Telephone Maintenance and Equipment Replacement**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 6893E with Nexus IS for an extended telephone equipment warranty, increasing the amount by \$55,000, for a total contract amount not to exceed \$465,000 for the term January 1, 2006 through June 30, 2013.

**Financial Implications:** General Fund - \$55,000

Contact: Donna LaSala, Information Technology, 981-6500

## Consent Calendar

25. **Contract No. 7167D Amendment: SunGard Public Sector for FUND\$ Software Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7167D with SunGard Public Sector for maintenance and support of the City's FUND\$ system, increasing the amount of the current contract by \$145,000 for a total not to exceed \$950,000 from July 1, 2006 through June 30, 2013.  
**Financial Implications:** General Fund - \$145,000  
Contact: Donna LaSala, Information Technology, 981-6500
26. **Contract No. 7562B Amendment: Decade Software Company for Software Licensing and Support**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7562B with Decade Software Company for software licensing and support, increasing the original amount by \$43,184 for a total not to exceed \$181,333 from February 21, 2008 to June 30, 2013.  
**Financial Implications:** Various Funds - \$43,184  
Contact: Donna LaSala, Information Technology, 981-6500
27. **Contract No. 5864E Amendment: Granicus Video Streaming Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 5864E with Granicus Inc. for video streaming, podcasting, and archiving, increasing the amount by \$50,800 for a total not to exceed \$285,600 from November 14, 2002 to June 30, 2014.  
**Financial Implications:** Various Funds - \$50,800  
Contact: Donna LaSala, Information Technology, 981-6500
28. **Grant and Contract: 2011 Edward J. Byrne Memorial Justice Assistance Grant (JAG) for Berkeley Police Department Costs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept \$57,650 in Federal funds from the 2011 Edward J. Byrne Memorial Justice Assistance Grant (JAG) to be used for funding overtime costs associated with serious violent crimes for a period of approximately 24 months.  
**Financial Implications:** JAG Grant Fund: \$54,768  
Contact: Michael Meehan, Police, 981-5900
29. **Contract: EVRA Construction, Inc. for Fire Station No. 5 Renovation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution:  
1. Approving the plans and specifications for Fire Station No. 5 Renovation, Specification No. 12-10638-C;  
2. Deeming that the lowest bid received from S&H Construction, Inc. is non-responsive;  
3. Accepting the bid of EVRA Construction, the lowest responsive and responsible bidder; and



## Consent Calendar

4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with approved plans and specifications, in an amount not to exceed \$475,200 for the period of 120 days from the date of the notice to proceed.

**Financial Implications:** Measure G Public Safety Facilities/Seismic Improvements Fund - \$475,200

Contact: Andrew Clough, Public Works, 981-6300

**30. Contract: Building Opportunities for Self Sufficiency for Leaf and Litter Abatement**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Building Opportunities for Self Sufficiency for leaf and litter abatement in an amount not to exceed \$1,602,500 for the period July 1, 2012 to June 30, 2017.

**Financial Implications:** Refuse Collection Disposal - \$1,602,500

Contact: Andrew Clough, Public Works, 981-6300

**31. Repeal and Reenact Berkeley Municipal Code Chapter 12.34 Semi Automated Curbside Refuse Collection**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance repealing and reenacting Chapter 12.34 of the Berkeley Municipal Code (BMC) regulating Curbside Refuse Collection.

**Financial Implications:** Refuse Fund - \$25,000

Contact: Andrew Clough, Public Works, 981-6300

**32. Proclaiming June 26, 2012 as United Nations International Day in Support of Victims of Torture**

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution proclaiming June 26, 2012 as United Nations International Day in Support of Victims of Torture.

**Financial Implications:** None

Contact: Eric Brenman, Commission Secretary, 981-5114

**33. Endorse Economists' Statement in Support of Occupy Wall Street**

**From: Peace and Justice Commission**

**Recommendation:** Endorse the Economists' Statement in support of Occupy Wall Street.

**Financial Implications:** None

Contact: Eric Brenman, Commission Secretary, 981-5114

**34. Restore Due Process and the Right to Trial**

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution:

1. Opposing indefinite military detention (without trial) as authorized by the National Defense Authorization Act ("NDAA") and seeking the repeal of its detention (without trial) provisions;

## Consent Calendar

2. Instructing all our public agencies to decline requests by federal agencies acting under detention powers granted by the NDAA that could infringe upon residents' freedom of speech, religion, assembly, privacy, or rights to counsel; and
3. Supporting the restoration of due process and the right to trial.

**Financial Implications:** None

Contact: Eric Brenman, Commission Secretary, 981-5114

**35. Free All Political Prisoners in Burma and Support Respect for Basic Human Rights**

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution calling for the immediate release of all Burmese political prisoners and supporting the right of the Burmese people to exercise fundamental political and civil liberties, including freedom of expression, assembly, association, movement, press, and the right to multiparty elections.

**Financial Implications:** None

Contact: Eric Brenman, Commission Secretary, 981-5114

**36. Ask Governor Jerry Brown to Release Human Trafficking Victim Sara Kruzan with Time Served**

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution and send a letter asking Governor Jerry Brown to release human trafficking victim Sara Kruzan with time served.

**Financial Implications:** None

Contact: Eric Brenman, Commission Secretary, 981-5114

## Council Consent Items

**37. Delivery Vehicles on Telegraph Ave**

**From: Mayor Bates**

**Recommendation:** Refer to the Transportation Commission amendments to BMC Chapter 14.56 that would limit deliveries to businesses on Telegraph Avenue between Dwight Way and Bancroft Way to delivery vehicles of 30 feet or less, and only between 6 a.m. and 11 a.m.

**Financial Implications:** Unknown

Contact: Tom Bates, Mayor, 981-7100

**38. Downtown No Smoking Signage: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Arreguin**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember for No Smoking Signs in the Downtown with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Arreguín and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Fund - \$250

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

## Council Consent Items

### 39. San Francisco LGBT Pride Parade: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

**From: Councilmember Worthington**

**Recommendation:** Adopt a Resolution approving the expenditure of funds relinquished from the discretionary Council Office Budgets of Councilmember Worthington and any other Councilmembers who would like to contribute, in an amount not to exceed \$TBD per Councilmember, including up to \$TBD from Councilmember Worthington, to pay for having an official City of Berkeley float in the San Francisco LGBT Pride Parade.

**Financial Implications:** Councilmember's Discretionary Fund - \$TBD

**Contact:** Kriss Worthington, Councilmember, District 7, 981-7170

## Action Calendar

*After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.*

*The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

## Action Calendar - Public Hearing

*Staff shall introduce the public hearing item and present their comments. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

### 40. West Berkeley Project – Master Use Permit Process (Continued from May 22, 2012)

**From: City Manager**

**Recommendation:** Conduct a public hearing on the amendments to the West Berkeley Plan, and upon conclusion:

1. Adopt a Resolution certifying the Final Environmental Impact Report (FEIR) for the Master Use Permit amendments and adopting CEQA findings and the Mitigation Monitoring Program;
2. Adopt a Resolution approving amendments to the West Berkeley Plan, and by reference the General Plan;
3. Adopt first reading of an Ordinance repealing and reenacting BMC Chapter 23B.36 Master Use Permits; and
4. Adopt a Resolution referring the issues of Community Benefit Agreements and site aggregation to the Planning Commission.

**Financial Implications:** See report

**Contact:** Eric Angstadt, Planning and Development, 981-7400

## Action Calendar – Old Business

41. **Banking Service Request for Proposal** (*Continued from May 29, 2012*)  
**a. From: Human Welfare and Community Action Commission**  
**Recommendation:** Adopt a Resolution directing the Finance Department, as part of the Responsible Banking Policy, to collect a social impact report from all financial institutions that provide or wish to provide banking and/or investment management services to the City of Berkeley.  
**Financial Implications:** See report  
Contact: Drew King, Commission Secretary, 981-5410
- b. From: City Manager**  
**Recommendation:**  
1. Discuss and give direction to the City Manager on the banking services RFP, including but not limited to allowing participation of Community Banks, membership-based Credit Unions or Community Development Financial Institutions (CDFI) in the RFP process for the City's banking services.  
2. Adopt a Resolution approving the Banking Services RFP for release that includes Community Investment and Responsible banking language and selection criteria.  
**Financial Implications:** Various Funds - \$1,350,000  
Contact: Robert Hicks, Finance, 981-7300
42. **Contribution Limits on Contractors doing Business with the City** (*Continued from May 29, 2012*)  
**From: Councilmember Arreguín**  
**Recommendation:** Refer to the Fair Campaign Practices Commission (FCPC) for consideration the issue of prohibiting contributions by contractors doing business with the City and the Berkeley Unified School District.  
**Financial Implications:** Unknown  
Contact: Jesse Arreguín, Councilmember, District 4, 981-7140

## Action Calendar – New Business

43. **Borrowing of Funds and the Sale and Issuance of FY 2013 Tax and Revenue Anticipation Notes**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the borrowing of \$25,000,000 and the sale and issuance of Fiscal Year 2013 Tax and Revenue Anticipation Notes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300
44. **City Council Comments on FY 2013 Proposed Budget and Work Plan**  
**a. From: City Manager**  
**Recommendation:** Discuss comments from Council on the FY 2013 Proposed Budget.  
**Financial Implications:** See May 1, 2012 Proposed FY 2013 Budget Report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

## Action Calendar – New Business

**b. From: City Manager**

**Recommendation:** Discuss comments from Council on the FY 2013 Citywide Work Plan.

**Financial Implications:** See Item 44a

Contact: Mary Kay Clunies-Ross, City Manager's Office, 981-7000

**45. Voting Delegates - League of California Cities Annual Conference**

**From: City Manager**

**Recommendation:** Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities meeting to be held on Friday, September 7, 2012, at the San Diego Convention Center.

**Financial Implications:** See report

Contact: Mark Numainville, Acting City Clerk, 981-6900

**46. Utility Users Tax Ballot Measure**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution placing the attached measure to amend the utility users tax on the ballot at the November 6, 2012 General Municipal Election.

2. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** None

Contact: Robert Hicks, Finance, 981-7300

## Council Action Items

**47. Civil Sidewalks Ballot Measure**

**From: Mayor Bates**

**Recommendation:** Request the City Manager draft ballot measure language for City Council consideration on July 10, 2012 amending the Municipal Code to restrict sitting on the sidewalk in all commercial zones in the City of Berkeley.

**Financial Implications:** See report

Contact: Tom Bates, Mayor, 981-7100

## Information Reports

**48. Landmarks Preservation Commission Notice of Decision for Structural Alteration Permit (LM No.11-40000012)**

**From: Planning and Development**

Contact: Eric Angstadt, Planning and Development, 981-7400

**49. Permeable Pavers Trial Project**

**From: Public Works Commission**

Contact: Jeff Egeberg, Commission Secretary, 981-6406

## Public Comment – Including Items Not Listed on the Agenda –

## Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc., 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/video> and KPFB Radio 89.3. Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department

2180 Milvia Street

Tel: 510-981-6900

TDD: 510-981-6903

Fax: 510-981-6901

Email: [clerk@ci.berkeley.ca.us](mailto:clerk@ci.berkeley.ca.us)

Libraries:

Main - 2090 Kittredge Street

Claremont Branch – 2940 Benvenue

North Branch – 1170 The Alameda

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 31, 2012.***

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, Acting City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

### **Soft Story Ordinance & Condition of Rentals**

1. Mary Rose Kaczorowski

### **Council Expenditure Accounts**

2. Barbara Gilbert

### **Preferential Parking Permit Fees**

3. Estelle Jelinek

### **Magazine Recycling at North Branch Library**

4. Maris Arnold

### **Parking Options in Elmwood**

5. Ky Boyd, on behalf of Rialto Cinemas

### **Exit Sign Concerns**

6. Carly Brown

### **Police Conduct**

7. C. Welter
8. Phillip St. James

